

Bayer CropScience

RECEIVED
CENTRAL FAX CENTER

APR 29 2005



Date APRIL 29, 2005

To EXAMINER PRYOR

Company U.S. Patent Office

Fax 703-872-9306 Pages 3

From RICHARD E.L. HENDERSON

Fax 412-777-3902/3912 Tel. 412-777-3860

Re: MO5972D2 S/N 10/735,165

FAX

Bayer CropScience LP
100 Bayer Road
Pittsburgh, PA 15205-9741

Applicants respectfully request that the attached Terminal Disclaimer be entered into the above-identified application. Authorization to charge the necessary fees for this disclaimer should be deducted from depository account 50-2510.

Richard E.L. Henderson
Reg. No. 31,619

Cc: Examiner Pryor - ⁵⁷¹703-273-0621 (fax)

NOTICE OF CONFIDENTIALITY

The information contained in and transmitted with this facsimile may be confidential, subject to the attorney-client privilege, attorney work product, and/or exempt from disclosure under applicable law and is intended only for the individual or entity named above. If you are not the intended recipient, you are hereby notified that inadvertent disclosure of this information to you does not constitute a waiver of confidentiality or privilege and that any review, disclosure, copying, or use of the contents of the facsimile by you is prohibited. If you have received this facsimile in error, please immediately call the sender collect at the above phone number, so that we can arrange for the return of the original facsimile at our cost.

RECEIVED
CENTRAL FAX CENTER

APR 29 2005

Mo5972D2
LeA 32,824D2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF)
)
WOLFRAM ANDERSCH ET AL) GROUP ART UNIT: 1616
)
SERIAL NO.: 10/735,165) EXAMINER:
) Alton Nathaniel Pryor
FILED: December 12, 2003)
)
FOR: SYNERGISTIC INSECTICIDAL)
MIXTURES)

TERMINAL DISCLAIMER

Petitioner, Bayer Aktiengesellschaft is the owner of 100 percent interest in the instant application. The assignment from the inventor(s) or chain of title from the inventor(s), of the application identified above was recorded in the Patent and Trademark Office at Reel 011337, Frame(s) 0195. Petitioner hereby disclaims except as provided below the terminal part of the statutory term of any patent granted on the application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on ☐ Application Serial No. _____ or ☒ U.S. Patent No. 6,444,667, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to the above referenced application or patent, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed application in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent.

The undersigned has reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and it is certified to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed at Pittsburgh, Pennsylvania, this 29th day of April, 2005.

Submitted by,

SIGNATURE: Richard E.L. Henderson

NAME: Richard E.L. Henderson

TITLE: Senior Patent Counsel

Reg. No. 31,619

- ☒ I authorize you to charge the amount of
☐ \$65.00 (small entity)
☒ \$130.00 (large entity) to Deposit Account Number 50-2510.

s:\shared\jrm\RELH5972.discl

Mo5972D2

-2-